

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IB2004/000358

International filing date (day/month/year)
12.02.2004

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC
H04L29/06, H04N7/24

Applicant
NOKIA CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/000358

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/000358

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-14 18-24
Inventive step (IS)	Yes: Claims	
	No: Claims	1-24
Industrial applicability (IA)	Yes: Claims	1-24
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IB2004/000358

Re Item V.

- 1 The following documents are referred to in this communication:

D1 : US 2003/236912 A1 (KLEMETS ANDERS ET AL) 25 December 2003
(2003-12-25)

D2: WO 2004/008673 A (NOKIA CORP ; NOKIA INC (US)) 22 January 2004
(2004-01-22)

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of independent claims 1, 18, 19, 20, 21, 22, 24 and dependent claims 2-14 and 23 is not new in the sense of Article 33(2) PCT.

- 2.1 With respect to method independent claim 1 Document D1 discloses (the references in parenthesis applying to this document):

A method for transferring data and information on associated data asset information, comprising the steps of:
providing session description information that at least partially contains said information on said data asset information (fig. 4; page 4, para 38; page 5, paras 47-48), wherein said session description information obeys a first protocol (page 4, para 41, lines 10-12),
transferring said session description information to a destination instance based on a second protocol (page 3, para 28, lines 16-21) and
transferring said data between a source instance and said destination instance within a transfer session and based on a third protocol (page 3, para 28, line 25).

Therefore D1 fully anticipates the subject mater of claim 1.

Similar reasoning applies for corresponding independent claims 18, 19, 20, 21, 22 and 24.

- 2.2 The additional subject matter of dependent claims 2-14 and 23 is also fully anticipated by D1.

3. The additional subject matter of dependent claims 15-17 cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons.
The additional subject matter of dependent claims 15-17 teaches that the RTSP transmission is implemented in a PSS/3G environment. However, using RTSP in a PSS/3G environment is known and obvious to the skilled person (see for example D2, page 2, lines 21-24) and therefore the skilled person would regard it a normal design procedure to combine this feature with the teachings of D1 in order to arrive at the subject matter of claims 15-17.
4. The applicant is also warned that:
 - 4.1 Although system claims 20, 21 and 22 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought. The aforementioned claims therefore lack conciseness. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims in the same category makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection.
Hence, these claims do not meet the requirements of Article 6 PCT.
 - 4.2 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1, D2 is not mentioned in the description, nor are these documents identified therein.
 - 4.3 The claims of the application are not in the two-part form in accordance with Rule 6.3(b) PCT, with those features known in combination from the prior art (see D1 or D2) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).